

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended the claims to clarify the terms. In particular, Applicant has defined the terms in accordance with the description in paragraphs 8 through 13 on pages 2-4 of the application as originally filed. Accordingly, no new matter has been added as a result of these amendments.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 101***

#### **Claims 11-20**

Claims 11-20 stand rejected under 35 U.S.C. § 101 as being drawn to non-statutory subject matter. Applicant respectfully points out that a claim directed to a “machine-readable medium” cannot be properly interpreted as equivalent to information written on a piece of paper that is readable by a human person or a person memorizing a program because a person is not a machine. Nonetheless, in the interest of advancing prosecution, Applicant has amended claim 11 to claim a computer-readable medium storing executable instructions to cause a computer to perform a computerize method. Applicant respectfully submits that executable instructions are well-known in the art as being processed by a computer, not a human being. Claims 12-20 have been amended accordingly.

Therefore, Applicant respectfully submits that the invention as claimed in claims 11-20 is statutory subject matter and respectfully request the withdrawal of the rejection of the claims under 35 U.S.C. § 101.

#### ***Rejections under 35 U.S.C. § 102(a)***

#### **Claims 1-40**

Claims 1-40 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent 6,192,079 to Sharma et al.

Sharma discloses synthesizing missing frames during decoding of a video to upsample the video, i.e., increase the frame rate.

Applicant claims interpolating a transitional segmentation mask and describes the transitional segmentation mask in the context of video segmentation. Video segmentation is well-known in the art as being a process in which a video frame is broken into background and foreground objects [see Specification as filed at paragraph 3 on page 1]. Applicant respectfully reminds the Examiner that he is required to interpret the terms in the claims as would one of skill in the art and further in accordance with any definitions set forth in the specification [MPEP § 2111.01].

When the claims are properly interpreted, it is clear that Sharma cannot anticipate Applicant's invention because Sharma does not even suggest segmenting video into background and foreground objects. Moreover, when the claims are properly interpreted, it is clear that Sharma is actually non-analogous art because the frame rate of a video is not a factor in video segmentation and thus, one of skill would not consider upsampling prior art relevant to video segmentation. Because the Examiner cited no references disclosing video segmentation, it appears that the Examiner has misunderstood the subject matter of Applicant's claims. Therefore, Applicant has amended the claims to aid the Examiner in properly interpreting the claims and in performing an search commensurate with the subject matter of the claims.

Accordingly, because Sharma does not teach or suggest every element of Applicant's claims, Applicant respectfully submits that the invention claimed in claims 1-40 is not anticipated by Sharma under 35 U.S.C. § 102(a) and respectfully requests the withdrawal of the rejection of the claims.

### **SUMMARY**

Claims 1-40 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

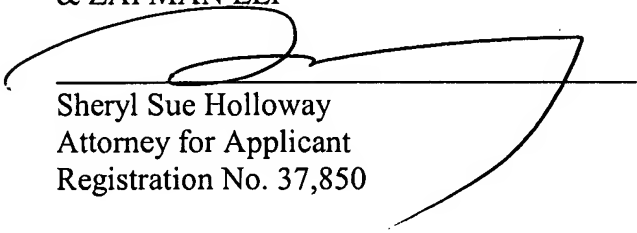
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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